REMARKS/ARGUMENTS

- 2 Claims 1-2 and 5-9 remain in this application. Claims 3-4
- 3 have been canceled. Claims 10-12 have been added.
- In response to the Office Action of December 1, 2004,
- 5 Applicant requests re-examination and reconsideration of this
- 6 application for patent pursuant to 35 U.S.C. 132.

Objections to the Specification

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- 8 The Examiner has objected to the specification in that the
- 9 term, "annular skirt," used in claim 9 is not found. The term
- 10 refers to reference numeral 35, referred to as a, "counter bore
- 11 portion," at page 16, lines 4-10 of the specification. That
- terminology will be used for consistency.

13 Rejections under 35 USC 112

- 14 Claim 9 stands rejected as indefinite in the double recitation
- of a taper and the presence of an extraneous word. These
- 16 formalities have been corrected as suggested by the Examiner.

17 Rejections under 35 USC 102(b)

- 18 Claims 1-7 stand rejected as anticipated by White et al.
- 19 Independent claims 1 and 5 have been amended to emphasize that the
- 20 subassembly including the intramedullary rod and the link are
- loosely connected but relatively movable with regard to each other.
- 22 The White patent does not teach a structure having a subassembly
- 23 with a link and an intramedullary rod loosely connected together

- 1 but independently movable until final assembly. Therefore, White
- 2 does not teach all the claimed elements and cannot anticipate the
- 3 claims.
- 4 Claims 5, 6 and 8 stand rejected as anticipated by Doubler et
- 5 al. Doubler teaches a similar prosthesis with a split ring locking
- 6 the intramedullary rod and the remainder of the prosthesis
- 7 together. The instant amended claims recite a different connection
- 8 through a tubular extension which is permanently attached to the
- 9 intramedullary rod. This distinguishes over the split ring. The
- 10 claims have also been amended, as suggested by the Examiner, to
- 11 include independent movement between the link and the
- intramedullary rod.

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Rejection under 35 USC 103(a)

- 14 Claim 9 stands rejected as obvious in view of Doubler et al
- 15 and Fernandez et al. As stated above, the Doubler patent does not
- disclose a permanent, though adjustable, connection between a link
- 17 and the intramedullary rod which make up a subassembly. Further,
- 18 while the Fernandez device has a tapered outer surface of the
- 19 proximal end of the intrmedullary rod, there is no link with an
- 20 external taper which is complementary to an interior taper of a
- 21 bore in the tubular extension on the intramedullary rod.
- Therefore, the combination of references would not teach one
- of ordinary skill in the art to modify the Doubler device to

1	produce the invention as now claimed.
2	SUMMARY
3	In light of the foregoing remarks and amendment to the claims,
4	it is respectfully submitted that the Examiner will now find the
5	claims of the application allowable. Favorable reconsideration of
6	the application is courteously requested.
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